

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELAINE L. CHAO, Secretary of)
Labor, United States Department of)
Labor,)
Plaintiff,) **8:06CV295**
vs.)
MARVIN J. CHARIPAR,)
Defendant.) **ORDER**

By previous order of the court, the defendant, Marvin J. Charipar, was given until September 11, 2006 to serve an answer to the complaint or to serve a motion under Fed. R. Civ. P. 12 (b), 12 (e), or 12 (f). On September 11, the court received a fax¹ addressed to the plaintiff. It does not appear that the defendant sent the fax to plaintiff's counsel.

This court does not accept filings by fax, and the summons served on the defendant clearly advised the defendant that he was to file his answer with the Clerk of the Court.

Upon review of the court file,

IT IS ORDERED:

1. Defendant, Marvin J. Charipar, is given a further extension of time to **Monday, September 25, 2006**, to file a written answer or other written response to the Complaint. This is a final extension of time.

2. Defendant shall file his written answer or response to the Clerk of the Court at the following address:

Clerk of the United States District Court
111 South 18th Plaza
Suite 1152
Omaha, NE 68102

¹A copy of the fax is attached to this Order.

The defendant may contact the Clerk's Office by telephone at (402) 661-7350, or toll free at 866-220-4381, between the hours of 8:00 a.m and 4:30 p.m. if he needs further information about how to file documents with the court.

3. Rule 5 of the Federal Rules of Civil Procedure requires that the defendant serve copies of pleadings, motions, or other documents filed by him on opposing counsel, together with a Certificate of Service. In this district if the defendant properly files a document with the Clerk, opposing counsel will receive notice of the filing through the court's electronic filing system (the CM/ECF System). Accordingly, the Rule 5 requirements will be satisfied if the defendant includes a Certificate of Service in substantially the following form:

I hereby certify that on [date], I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to opposing counsel:

Susan J. Willer
U.S. Department of Labor, Office of the Solicitor
1100 Main Street
Suite 1210, City Center Square
Kansas City, MO 64105
(816) 426-6441
Fax: (816) 426-2500
Email: Willer.Susan@DOL.gov

DATED September 12, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

FAX COVER SHEET

Columbus Irrigation, Inc.

4015 So. 9th Street

Columbus, NE 68601

Telephone: (402) 270-2865 or (402) 270-3095

Fax: (402) 564-1696

Date: 9-11-06

Total # of Pages: 3

Erlaine J. Chago
Secretary of Labor
U.S. Department of Labor

Case #: 8:06-CV-00295-FGJ

From: A Defendant

Marying J. Champion
633 - 635 Ave
Columbus, Ne. 68601

Please let me know by phone
402 - 270 - 2865 or fax
402 - 564 - 1696 if you
have received this fax.

I thank you

2:45 P.M. After doing this again I thought I
had it to the right of the last I'll
do it again 402 - 651 - 7338

John R.
John R.

Please Acknowledge

Case: 8:06-CV-00295-fgb

Document # 8-1

In regards to order # 8:06CV295-

Elaine T. Chao Secretary of Labor,
United States Department of Labor.

Plaintiff

Marilyn J. Charrison
Defendant

For Answer to your extension
letter to me Dated August 14, 2006.

I can not afford an attorney
as I am answering your order
my self.

I know its too late now but
when we inquired about setting up
a 401K plan for the employees it
was suppose to help retain them
for long term employment. I
questioned the representative about the
fact that after the employee is
fully vested I think its called "they
should or could quite & use the
money to do something else like
become our competitors. In
some cases that just what happened.

Now the employees have the government to help them make me personally pay this because the Company Columbus Irrigation INC. was foreclosed upon Jan 1 - 2006.

I have worked for the Party that took over & I am paid on a Commission basis.

At this time there is no thing to sell so I have no income.

I am 180 days or sooner when I know what I can do or am doing I would set up an agreement to pay what ever I can afford at that time if in fact I am personally liable for this.

Please let me know what can be worked out.

Sincerely,

Maurice Pleasant
333-63rd Ave
Columbus, Ms. 38601

TRANSACTION REPORT

SEP-11-06 MON 11:55 PM

F. D.

FOR. IRRIGATION SALES

4025641696

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE
SEP-11	11:55	FAX 1-6166-7338	2' 05"	3	SEND	OK

Please Let me know you
Received this, for .

↓
time sensitive

Frank your

402-270-2865
or fax

402-564-1696